

October 6, 1936.

Mr. J. M. Foote,  
Supervisor of Inspection,  
Fruit & Vegetable Standardization,  
Security Building,  
Phoenix, Arizona.

Dear Sir:

In reply to your request for an opinion as to whether or not associations or corporations organized under the provisions of the Co-operative Marketing Act, as provided for in Chapter XIII, RCA 1928, should comply with the provisions of Chapter 70 of the 1933 Session Laws and particularly Section 7 thereof, which provides for the obtaining of a license and the filing of a bond to act as a citrus fruit broker, dealer, shipper or commission merchant, we wish to advise as follows:

After due consideration of the Statutes involved, we find in Section 7 of Chapter 70 of the 1933 Session Laws, the provision that "no person shall act as a citrus fruit broker, dealer, shipper or commission merchant within the meaning of this Act without first having given bond and obtained a license". Then in the second paragraph of this Section we find a further provision:

"Any person desiring to act as a citrus broker, dealer, packer, shipper or commission merchant, within the meaning of this Act (excluding retail dealers) shall make a written application for a license therefor to the supervisor, etc."

It would appear from the foregoing that it was the intention of the Legislature to have all citrus fruit dealers except retail dealers to comply with the provisions of this law and thereby furnish a bond as provided.

In addition to the foregoing, we find in Section 15 of Chapter 70 of the 1933 Session Laws, the following:

**"SCOPE OF ACT.** All citrus fruit within the meaning of this Act, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded,

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shipped or being transported, offered for sale or sold in bulk or in any container including citrus fruit offered for sale in bulk by the grower thereof to dealers for resale in bulk, in retail, or otherwise, which conform to the provisions of this Act".

Herein we find the specification referring to the grower of citrus fruit which further emphasizes the intention of the Legislature to include all dealers in citrus fruits under this Standardization Act.

After due consideration of the foregoing provisions of the law, and the other provisions dealing with the Co-operative Marketing Act and the Citrus Fruit Standardization Act, we are of the opinion that corporations organized under the provisions of the Co-operative Marketing Act, should comply with the provisions of Section 7, Chapter 70, of the 1933 Session Laws as any other dealer in citrus fruits.

Very truly yours,

JOHN L. SULLIVAN  
Attorney General

RICHARD F. HARLESS,  
Assistant Attorney General.